

Notice of Allowability

Application No.

10/754,875

Examiner

J. Woodrow Eldred

Applicant(s)

PHAM, ROGER N.

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ The drawings filed on 25 June 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6-21-05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.



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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roger Pham on 6-20-05.

The application has been amended as follows:

In claim 1, line 17, after "tiltable" insert --lift--.

In claim 1, line 18, between "said" and "rotor" insert --tiltable--.

In claim 1, line 20, delete "main rotor" and insert in its place --tiltable lift rotor--.

In claim 1, line 27, delete "main rotor" and insert in its place --tiltable lift rotor--.

In claim 1, line 27, delete "main prop-rotor" and insert in its place --tiltable lift rotor--.

In claim 1, line 29, before "rotor" and insert --tiltable lift--.

In claim 1, line 30, delete "main tiltable rotor" and insert in its place --tiltable lift rotor--.

In claim 1, line 31, delete "main".

In claim 1, line 34, between "tiltable" and "rotor" insert --lift--.

In claim 1, line 36, between "tiltable" and "rotor" insert --lift--.

In claim 2, line 3, between "tiltable" and "rotor" insert --lift--.

In claim 2, line 4, delete "tiltable".

In claim 2, line 5, before "lift" insert --tiltable--.

In claim 2, line 7, before "lift" insert --tiltable--.

In claim 3, line 2, delete "main" and insert in its place --tiltable lift--.

In claim 3, line 4, delete "main" and insert in its place --tiltable lift--.

In claim 3, line 5, delete "main" and insert in its place --tiltable lift--.

In claim 3, line 7, delete both occurrences of the word "main" and insert in place of each deleted word the phrase --tiltable lift--.

In claim 3, line 9, delete both occurrences of the word "main" and insert in place of each deleted word the phrase --tiltable lift--.

In claim 3, line 10, delete "prop-rotor" and insert --rotor-- in its place.

In claim 4, line 1, delete "main" and insert in its place --tiltable lift--.

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In claim 4, line 3, delete “main” and insert in its place --tiltable lift--.

In claim 4, line 11, delete “main” and insert in its place --tiltable lift--.

In claim 6, line 1, delete “main” and insert in its place --tiltable lift--.

In claim 7, line 1, delete “and” and insert in its place --or--.

In claim 7, line 1, delete “tiltable lifting” and insert in its place --said--.

In claim 8, line 3, delete “main” and insert in its place --tiltable lift--.

In claim 8, line 5, delete “main” and insert in its place --tiltable lift--.

In claim 8, line 8, before the word “rotor” insert --tiltable lift--.

In claim 11, line 15, between the words “main” and “rotor” insert the word --tiltable--.

In claim 11, line 21, between the words “main” and “rotor” insert the word --tiltable--.

2. The following is an examiner’s statement of reasons for allowance: The prior art fails to disclose or make obvious the claimed VTOL aircraft. Specifically, the prior art fails to show an aircraft with wings, empennage, control means for VTOL, autorotation, and horizontal cruising modes, a tiltable rotor which provides vertical lift when its axis is in a vertical position, horizontal propulsion means structurally separate from the tiltable rotor, and means to move the tiltable rotor to a horizontal position and disconnect the rotor from power so that it rotates at a minimum rotational rate while in the horizontal position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

3. Claims 1-13 are allowed.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Einarsson, Krynsinski et al, Pham, and Pancotti are cited as being of interest since they disclose tilting rotor aircraft.

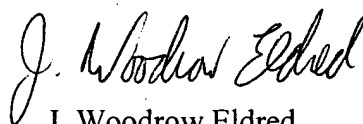
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 571-273-6901.

The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Woodrow Eldred
Primary Examiner
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JWE